

# **Drinking Water State Revolving Loan Fund (DWSRF)**

## **Project Guide For ALL Projects**

### **DWSRF Contacts:**

Department of Human Services  
Drinking Water Program  
11 State House Station  
161 Capitol Street  
Augusta, ME 04333  
(207) 287-2070  
<http://www.medwp.com>

Maine Municipal Bond Bank  
State Revolving Loan Fund  
Fleet Bank Building  
45 University Drive  
Augusta, ME 04338-2268  
(800) 821-1113  
<http://www.mainebondbank.com>

**Equivalency Projects** – All projects where the total anticipated project cost is greater than \$100,000. Must meet all requirements of this guide and all Federal Cross-cutting Authorities.

**Non-Equivalency Projects** – Projects where the total anticipated project cost is \$100,000 and less. Projects will only be required to satisfy the Federal Cross-cutting Authorities that pertain to Civil Rights (MBE/WBE documentation not required) and a non-equivalency environmental review (see State Environmental Review Process in Appendix B).

*This is a work in progress – Your comments and suggestions are welcome. When it proves to be a complete, useable document it will be used as the basis for complete State of Maine Rules Relating to Drinking Water State Revolving Loan Fund.*

*This guide does not address procedures related to land acquisitions.  
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# Table of Contents

Essential Steps in the DWSRF Project Process .....	1
Get Started With a Meeting .....	2
Before Construction Starts .....	4
Environmental Review .....	5
Contract Documents .....	6
Financial Applications .....	10
Construction Inspection and Oversight .....	12

## Appendix

A - Definitions .....	15
B - Environmental Review Information .....	19
C - Environmental Review Example Letters .....	25
D - Chapter 230: Rules Related To Drinking Water State Revolving Fund .....	28
State Environmental Review Process (SERP)	
E - Federal Cross-cutting Authorities .....	48
F - DWSRF Contract Requirements .....	49

## Essential steps of the DWSRF project process

**The essential steps of the DWSRF project process are listed below. They may not be inclusive for all projects. The steps do not have to be accomplished in any particular order though some must be accomplished before others can be completed. They are listed in an order that will be typical for most projects. Every project will have unique aspects that will have to be addressed as they are encountered.**

- ❑ Setup meeting with DWSRF staff and other interested parties involved in project. (see page 2)
- ❑ Start the Environmental review process. If the project is being funded jointly by other programs using federal funds (DECD or RUS), the environmental review should be coordinated to avoid duplication of effort to the greatest extent possible. (see page 5 and Appendix B)
- ❑ If a water system believes that the Median Household Income from the most recent census for the community they serve is inaccurate or does not represent their project service area, then they should arrange to have MRWA or RCAP start a DWSRF approved income survey to properly determine their eligibility for Disadvantaged Community System assistance.
- ❑ If necessary start rate increase approval process. If regulated by Public Utilities Commission, start by first getting approval of Issuance of Securities.
- ❑ Complete and submit loan application to the Maine Municipal Bond Bank (see page 10) Submit summary of estimated project costs with copy of application to DWP.
- ❑ Submit available planning documentation to DWP. Prior to the submission of final plans and specifications any available engineering reports, facility plans, pilot studies and preliminary plans associated with the proposed project should be submitted to DWP.
- ❑ Submit final plans and specifications for review and approval by DWP a minimum of 30 days prior to opening bids and 45 days prior to starting construction.
- ❑ DWP staff verifies system capabilities and viability: technical, managerial and financial capacity. This process may require the submission of a business plan, management plan, financial status reports and/or Comprehensive System Facility Plan.
- ❑ Publish environmental determination notice to complete environmental review process.
- ❑ Competitively bid project.
- ❑ Enter into loan agreement for DWSRF financial assistance with MMBB. Funds become available through requisition process. Systems must use properly completed summary payment request form.
- ❑ Start construction. Advise Project Manager of all pre-bid, bid opening, monthly construction meetings and other milestone meetings that may be held in conjunction with construction of the project. Submit revised cost estimate after construction contract is awarded.

## Get started with a meeting

It is recommended that a meeting be held, as soon as it can be arranged, to discuss your project. This meeting could include representatives from other interested parties involved with the project such as other funding agencies, local government, water associations and project consultants. Such a meeting will give you the opportunity to explain and discuss the scope of your proposed project with DWSRF staff, at the same time allowing them to explain how the requirements of the Program will affect your project. A good understanding of the project and the processes involved will help your project move forward, avoiding unexpected circumstances and possible delays. This meeting will also give you a chance to meet and get to know your DWSRF Project Manager and other Program staff.

**Financial assistance cannot be approved for the construction costs of your project until the following are complete:**

- ☐ **Environmental review process completed**
- ☐ **DWP Capacity Development and SNC review of water system**
- ☐ **DWP approval of contract documents with specifications and final plans**
- ☐ **MMBB loan application approval**

**WHO?** You and your DWSRF Project Manager. It would also be advantageous for your design engineer to attend. If you haven't chosen a design engineer, your Project Manager can suggest help for that process as well. The DWSRF Program Manager may wish to attend the meeting to answer any policy questions you may have about the Program. The Environmental Review Coordinator should also attend the meeting. The Coordinator can determine the level of environmental review your project warrants after becoming familiar with the scope of the project and seeing the site. Depending on the scope of your proposed project, or your funding situation, it may be appropriate for others from the DWP, MRWA, RCAP, DECD or the MMBB to attend the meeting.

**WHAT?** Anything and everything. Besides discussing the scope of the project and the requirements of the DWSRF Program, an initial meeting is a good time to assess what information you may already have that the Program will need to approve your project. Some documents that DWSRF staff may request include preliminary engineering design reports, facility planning studies and reports, professional services contract for the project, public notices or newsletters informing the public of the proposed project, and/or annual reports. These documents are not required but may be valuable sources of information the Program will need to evaluate and approve your project. As you read through the rest of this document and discover what other information will be requested from you, you may decide you have other documents to bring to the meeting that will provide valuable background information about your project and water system.

The initial meeting is also a good time for you to let us know under what circumstances the DWSRF staff should communicate with you regarding the project, either with an individual from your system or your design engineer.

**WHEN?** As soon as possible! By knowing the requirements of the Program early in the process unexpected delays and the need to redo tasks will be minimized.

**WHERE?** Your place or ours. If the location of the proposed project is known, a site visit may be made in conjunction with the initial meeting.

The progress of your project after the initial meeting is up to you. As stated above there are specific requirements of the DWSRF Program that must be met prior to your receiving financial assistance from the Program. They are described in greater detail in the following sections:

- ❑ Environmental Review
- ❑ Review and approval of construction contract documents
- ❑ Financial application and Project Estimate
- ❑ Inspection and oversight during construction

## Before Construction Starts

Before a water system receiving DWSRF money begins construction, the following items must be completed:

1. The water system has had a meeting with DWSRF staff to discuss the timeline of the project and any requirements by the DWSRF program and the Drinking Water Program.
2. An Environmental Review had been performed by the project engineer and approved by DWSRF staff and any other funding agencies involved in the project. Environmental determination categories are:
  - Categorical Exclusion (CE)
  - Finding of No Significant Impact (FNSI)
  - Environmental Impact Statement (EIS)
3. A loan application has been submitted and approved by the Maine Municipal Bond Bank.
4. Plans and specifications have been reviewed and approved by DWSRF staff and other interested parties.
5. A capacity review of the water system has been performed by DWSRF staff.
6. Conduct a pre-construction meeting with the contractor, funding agencies and other interested parties.

If the above steps are not completed before construction starts, payment and construction could be delayed.

## Environmental Review

An Environmental Determination must be issued for your project prior to the start of construction and prior to your eligibility of receiving loan proceeds for the reimbursement of construction costs. The Environmental Determination must be in accordance with the State of Maine "Rules Relating to Drinking Water State Revolving Loan Fund" Section 6. (Attached in Appendix D)

If your project is to be jointly funded by the DWSRF Program and another agency that requires an environmental review, the Environmental Review Coordinator may concur with the environmental review prepared for/by the other agency. Please advise your Project Manager, or the Environmental Review Coordinator, that you plan to use another agency's environmental review at the initial meeting to discuss your project. You must submit a copy of the other agency's environmental review documents including all public notices and their final determination in order for it to be considered for concurrence.

Included in Appendix B is a set of Environmental Review worksheets that must be completed and submitted with supporting documentation. That information will allow the DWP to make and issue an Environmental Determination for your project. The Environmental Review Coordinator is available to help you if you have any questions about completing the worksheets or any other aspect of the environmental review process.

In addition to the worksheets you will need to submit a site map showing the location of the project, the water system service boundary, and the location of environmentally sensitive areas such as wetlands, streams, ponds, historic or archeological sites, floodplain boundaries, designated wildlife habitat or endangered species locales, and other resources, as specified in local, Maine and federal regulations. Include a scale, north arrow and location map so that the reviewer does not have to be familiar with Maine to locate your project.

Unless your project qualifies for a Categorical Exclusion from formal environmental review, you will need to submit additional information that the DWP will use to prepare an Environmental Assessment. The Environmental Assessment is the supporting documentation upon which an Environmental Determination is based. The additional information, listed in the Maine "Rules Relating to Drinking Water State Revolving Loan Fund" should be available in engineering reports prepared prior to your undertaking the proposed projects. Such reports include, but are not limited to, planning studies, feasibility investigation reports and preliminary design reports.

Samples of letters to be used in the Environmental Review process are included in Appendix C. Note that a site map must be included with the letters to agencies requesting their concurrence with cross-cutter authority compliance.

Public notices for the environmental review process are required per the schedule as follows:

<b>Environmental Determination</b>	<b>Categorical Exclusion (CE)</b>	<b>Finding of No Significant Impact (FNSI)</b>	<b>Environmental Impact Statement (EIS) per 40 CFR Part 1502</b>
<b>1<sup>st</sup> Notice</b>	Notice of Issuance of CE (15 days prior to action)	Request for review and comment (30 days prior to action)	Notice of intent to prepare EIS
<b>2<sup>nd</sup> Notice</b>		Notice of Issuance of FNSI (30 days prior to action)	Request for review and comment on draft EIS
<b>3<sup>rd</sup> Notice</b>			Request for review and comment on final EIS
<b>4<sup>th</sup> Notice</b>			Notice of Record of Decision based on EIS to all commentators

Sample public notices will be provided for your use when it is determined what level of Environmental Review is required for your project. Public notices must be including in the legal notice section of a newspaper of general circulation to the your water systems service area.

You will be required to conduct a public hearing prior to DHS issuing an Environmental Determination if 5 or more persons make a written request for such a hearing during the public review and comment period. If a water system is interested in potentially saving time, we suggest for FNSI's that the environmental documentation be made available for review and comment at the next Board of Trustees meeting scheduled to be at least 30 days after the public notice.



## Contract Documents

Legal agreements for professional services (Engineering Agreements) are to be submitted to your Project Manager for review and approval by the DWSRF Program prior to the signature of any party. A line for the signature of a representative from this Program should be included in this agreement. The Program will not reimburse professional fees charged on a percentage of project cost on DWSRF financed projects. Engineering fees will be allowed on a fixed fee for design and hourly fee for inspection. Agreements should include provisions for the design consultant to provide as-built plans, a written O&M manual and facility startup technical assistance, as necessary, at the completion of the project.

Two sets of contract documents must be submitted to the DWP, one to the Drinking Water Program in Augusta and one to your Project Manager. A line for the signature of a representative from this Program should be provided in these contract documents to officially document our involvement in the project. Construction plans and specifications must be reviewed by your Project Manager to ensure that the project complies with the technical requirements of the State of Maine Rules Relating to Drinking Water. Final plans and specifications must be submitted to the DWP for review and approval a minimum of 30 days prior to bidding the project and 45 days prior to starting construction. Construction costs will not be reimbursed until the contract plans and specifications have been reviewed and approved by the DWP.

The contract documents must also meet specific requirements of the DWSRF Program. Your project must comply with several federal statutes and executive orders that are referred to as cross-cutting authorities. Brief explanations of each of the cross-cutting authorities is included in Appendix E. A majority of the authorities will be met by the completion of an environmental review for your project(s). Others will be met through the construction contractor's adherence to the DWSRF Construction Contract Supplemental General Conditions and the standard EJCDC contract conditions mentioned below. Some of the cross-cutting authorities are anti-discrimination statutes that your system and project must meet in order for you to receive DWSRF financial assistance. This, among other things, includes making necessary accommodations for persons with disabilities according to Section 504 of the Rehabilitation Act of 1973 and Executive Orders 11914 and 11250.

Appendix F includes the DWSRF Supplemental General Conditions. These Conditions in combination with the use of EJCDC documents No. 1910-8-FA (Contract General Conditions) and No. 1910-8-A-1-FA (Owner/Contractor Agreement), both the 97 Editions of the Funding Agency version, should satisfy all Program contract requirements. Appendix F also contains wording that must be included in the Advertisement to Bidders, the Notice to Bidders and the Bid Form. The Supplemental General Conditions include the requirement for a Project Sign. The requirement for a Project Sign may be waived if a request to do so is made in writing and the project is not readily visible to the general public. A Project Sign will be required when contractors or

subcontractors are allowed to post a sign at the project site. For an example of an approved project sign, contact your DWSRF Project Manager.

The Program requires that all systems require their project contractor(s) make an attempt and document their attempts to make good faith efforts to achieve a goal of 1.3% utilization of Minority Business Enterprise firms and 3.7% utilization of Women Business Enterprise firms in construction of DWSRF financed projects. The requirements of a "good faith effort" are given in the DWSRF Construction Contract supplemental wording in Appendix F.

Construction contracts shall be awarded through an advertised competitive bidding process unless the DWP approves another method. It is your responsibility to provide evidence that an alternative method will be fair and cost effective. The DWP may approve another method under the following conditions:

- a. An emergency situation exists and time is not available for the preparation of contract documents suitable for advertised competitive bidding, or
- b. Compelling cost savings are to be realized.

Standard forms (AIA, EJCDC, etc.) of construction contracts may be modified to allow the following:

- a. Shortened bidding times, to a minimum of 10 days for contracts estimated to be less than \$250,000. The usual time for bidding being 30 days.
- b. Qualification of responsive and responsible bidders through the bidding process, or a pre-qualification process, to ensure that the successful bidder is able to satisfactorily complete the contract within time and performance constraints. No party shall be precluded from taking part in a qualification or pre-qualification process.
- c. The use of additive or deductive alternate bid items is encouraged when the scope of the project may need to be modified dependent upon bids received.

When the estimated total project cost of construction is less than \$100,000 a water system may solicit a minimum of three written quotes instead of a formal competitive bid process. If you receive less than three quotes the DWSRF Program Manager may request additional information from you in order to approve your solicitation process or request that you solicit additional quotes. A clear scope of work and plans approved by the DWP shall be the basis for solicitation and preparation of quotes.

Your public water system must also be able to demonstrate adequate financial, managerial and technical capacity in order to receive DWSRF financial assistance. A strategy to evaluate your capacity has been developed by the DWP. The DWP and the MMBB through the loan application process will qualitatively evaluate your system's capacity. The Program may require you to make changes to your proposed project, system operation or management, prior to entering into a loan agreement, or may condition the loan agreement as a means of attaining and/or maintaining the required capacities.

You must keep and maintain records in such a manner that the Program and/or EPA can audit activities accomplished with DWSRF funds. Records that the construction contractor is required to keep and maintain are identified in the DWSRF Supplemental General Conditions.

## Financial Application

For a copy of the most recent DWSRF Maine Municipal Bond Bank loan application, contact the MMBB at (800) 821-1113. Staff at the MMBB, RCAP and MRWA are available to help you if you have questions about the application or your particular financial situation. The DWSRF "Estimated Project Cost" form can be obtained from your DWSRF Project Manager or from the DWP website (<http://www.medwp.com>). A completed copy of it must be submitted to the DWP when you submit your loan application to the MMBB and DWP.

The MMBB will need to verify that you have sufficient revenues to meet the debt obligations of a DWSRF loan.

A project account must be established which must be maintained separate from your other accounts. Loan proceeds shall be deposited into the project account from which you shall make payments for services received for your DWSRF project. You will also need to have an annual audit prepared by a certified or licensed public accountant during the term of the loan. A copy of each audit must be provided to the MMBB.

If the Public Utilities Commission regulates your system, you must obtain approval of Issuance of Securities from them prior to being able to enter into a loan agreement for financial assistance from the DWSRF Program. Applications for rate increases that are required to meet the debt obligations of DWSRF financing must be approved, under certain conditions at least applied for, prior to your entering into a loan agreement.

Your system may receive subsidy assistance in the form of principal forgiveness if it qualifies as a Disadvantaged Community System. The Program is restricted as to how it can give Disadvantaged Community System assistance. The restrictions are explained in the most recent Intended Use Plan (IUP). Once you have been determined to be a system eligible for DWSRF financial assistance you must submit information so that the Program can determine the amount of principal forgiveness for which you are eligible. You may qualify for an extended loan term or reduced interest rate even if you are not eligible for principal forgiveness. The additional information required to make the determination includes the following:

- ➔ The median household income (MHI) of the year-round residential customers served by your system. If the MHI is below \$37,240 (average median household income, non-metropolitan Maine, 2000 U.S. Census) your system qualifies as a Disadvantaged Community System and may be eligible for additional assistance. The MHI data for your system may come from the most recent U.S. Census or from an independent income survey of the residential water customers in your system's service area, whichever is the most current. MRWA and RCAP are familiar with the requirements of a DWSRF income survey and are available to help you complete the survey.

- ➔ The present annual residential water rate charged for the quarterly usage of 2,000 cubic feet.
- ➔ Percent of total revenues attributable to residential users.
- ➔ Debt obligations due to concurrent loans.

Using these numbers and the estimated project cost, the Program can determine the amount of disadvantage assistance for which you qualify. This is usually performed at the time that you submit a loan application. An estimated determination can be made earlier in the process if all the necessary information is provided. The process used is explained in greater detail in the most recent IUP.

The Program will assign your project(s) a project number(s) at the time your application is received by the MMBB and DWP. You or your engineer should call the Program to get this number. It will be required on all correspondence to the Program regarding your project including all payment requisitions.

## Construction Inspection and Oversight

You will need to inform your Project Manager of all construction-related meetings. At a minimum the Project Manager will attend the Pre-Bid meeting/conference, the Pre-construction meeting, all monthly construction progress meetings and the facility final inspection. It is your responsibility to see that records of the construction related meetings are kept. Copies of meeting records shall be given to your Project Manager. Your Project Manager will be our conduit for exchange of information with the DWSRF Program Manager.

You will need to supply the Project Manager with a tabulation of all bids received along with an explanation for why any bids were rejected or bidders disqualified. An executed original of the contract, complete with executed bonds, insurance certificates and other documents specified in the bid package must be given to the Project Manager at the time of, or soon after, award of the contract. The awarded contract must include a line for and with the signature of a representative from the DWSRF Program. A revised project budget based on the bid results should be completed at this time on the Program's "Estimated Project Cost" form and submitted to the DWSRF Program Manager.

Either the "WBE/MBE Goal having been met/or/not having been met" form (Attachment A or B included in Appendix F) must be completed by the successful bidder and submitted to the Project Manager within 10 days after the bid opening. If either Goal is not met letters of solicitation that were sent to qualifying firms must be included with the "...not having been met" form to substantiate the contractor's good faith effort to meet the MBE/WBE goals. Failure to demonstrate good faith effort is reason to declare the bidder "non-responsive" and ineligible for award of the contract. Every payment requisition must include a copy of Attachment C (see Appendix F) "Utilization of MBE/WBE Firms" properly completed before the Program will process the payment, even if there were no MBE/WBE firms requesting funds in the requisition.

After the construction contract is awarded, you must ensure that a qualified inspector under the supervision of a registered professional engineer provides adequate inspection of the project. The inspector shall assure that the work is being performed in a satisfactory manner in accordance with the approved plans and specifications, approved change orders, and in accordance with sound engineering principles and building practices. Full time project inspection is not required or promoted by the Program. An inspector must be present to witness critical project processes, such as required material or facility testing, and before facilities are covered up or buried. Your engineer should determine when project inspection is required and their inspector should coordinate this inspection with the contractor.

The Project Manager and others from the Program will be authorized to inspect the project at any time during construction. At a minimum, the Project Manager will be performing a construction site inspection before the processing of any payment requisition (pay requisition meeting) that includes requests of reimbursement of construction expenses. If the Project Manager, or other Program staff members, observes

any variances or discrepancies between the ongoing construction in comparison to the approved plans and specifications, or the amount of material or work provided in comparison to the amount of the reimbursement request, the Project Manager will notify you and the engineer. Upon notification, you or the engineer will see that any necessary corrective action is taken.

Requests for reimbursement (payment requisitions) will be made using the DWSRF approved payment requisition form. Copies of this form can be obtained from your Project Manager or on the DWP website (<http://www.medwp.com>). Your Project Manager will accept only requests for reimbursement that have been properly certified and signed by the Authorized Representative from the water system. The Program prefers to receive a minimum of three signed original payment requisitions (one for DWSRF Program, water system and engineer) each to include all required supporting documentation. The supporting documentation should include, but is not limited to, all invoices and requests for payment from the contractor with supporting invoices for all charges. These must be included for the Project Manager's records and verification of expenses. The supporting documentation required with requisitions should also include lien waivers from all subcontractors and material suppliers that had approved expenses included in the General Contractors previous request for payment. A completed "Utilization of MBE/WBE Firms" form (included in Appendix F as Attachment C) will also be required with each requisition submission, even if the requisition doesn't include a payment to MBE or WBE participants. Reimbursements will be delayed until the contractor supplies the completed form. Reimbursements may also be delayed if the DWSRF Payment Request form is not properly completed or all required lien waivers are not provided.

The Project Manager must approve all change orders prior to the cost of the orders being authorized for reimbursement. Any increase or decrease in the contract price, completion period, or scope of the contract shall be reason to issue a change order. Change orders that cause the project amount to exceed the amount of the loan agreement cannot be approved by the Project Manager. The loan will have to be reevaluated by the DWSRF Program Manager. You may approve the change order, but the DWSRF Program cannot reimburse you for the additional cost unless the Program Manager approves the change order. To facilitate the approval process you must have a DWP approval signature line added to the project change order form included in the contract documents. Make note as to the exceptions that require the Program Manager's approval.

At the completion of the project a certificate of substantial completion must be executed. Execution of that document establishes the start date for the warrantee period for the project contract. It also establishes the completion date for construction of the project for loan repayment purposes. At a minimum the certificate must include the date of substantial completion, the percent that the project is complete, the punch list of items yet to be completed, and authorized signatures of the engineer, owner's Authorized Representative and Project Manager (contractor may sign also). The Project Manager shall be given a completed, signed copy of the certificate. Your Project Manager shall verify that the contractor/engineer has supplied you with an operation and maintenance

manual for the completed project prior to submitting your final request for reimbursement for payment.



# **Appendix A**

## **Definitions**

**Authorized Representative** - the "Authorized representative" is the signatory agent of the Eligible Public Water System authorized and directed by the system's governing body to make application for assistance and to sign documents required to undertake and complete the project on behalf of the system.

**Building** - the construction, erection, acquisition, alteration, remodeling, improvement to or extension of drinking water system facilities.

**Certificate of Substantial Completion** - documentation, a form for which may be made part of the construction contract documents, that indicates that the Project Engineer and Owner are satisfied that the construction contract is complete. An executed Certificate of Substantial Completion indicates that the warranty period for the work has started and that the repayment period for the DWSRF loan has started.

**Change order** - the documents issued by the water system, upon recommendation of the Project Engineer and with the approval of the authorized representative of the Program and the MMBB to the extent it requires a change in cost for the project, authorizing a change, alteration, or variance in previously approved engineering plans additions or deletions of work to be performed pursuant to the contract or a change in costs for work performed pursuant to the contract.

**Community water system** - a public water system serving at least 15 service connections for year-round residents, or regularly serving at least 25 year-round residents.

**Contract documents** - the complete set of documents, including construction plans and specifications, bid, and contract, which when taken as a whole constitute the information necessary for completion of the DWSRF project. See plans and specifications.

**Cross-cutting Authorities** - Federal laws and authorities that apply by their own terms to projects or activities receiving federal assistance. See Appendix C.

**Disadvantaged Community** - the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located.

**Disbursement** - the transfer of cash from the DWSRF to the assistance recipient.

**DECD** - Maine Department of Economic and Community Development, administrators of the Community Development Block Grant Program.

**DWSRF** - Drinking Water State Revolving Loan Fund.

**DWP** - Drinking Water Program.

**Eligible Public Water System** - community water system, both privately or publicly owned, and non-profit non-community water systems. Federally owned public water systems are not eligible.

**EPA** - Environmental Protection Agency

**Environmental Review** - the environmental review process conducted by the State that complies with 40 CFR Part 6, Subpart E or an alternative "NEPA-like" State environmental review.

**Equivalency Projects** - projects that must total the amount equal to the federal capitalization grants and must comply with environmental review requirements and federal cross-cutting authorities.

**Financial Assistance** - includes but is not limited to, loans by the MMBB from the DWSRF, loans made by the MMBB from revenue bond proceeds, or any other purpose authorized pursuant to Title 30A MRSA Sections 4953-B and 6006-B.

**Force Account** - refers to the use of a water system's own work force to build any portion of a DWSRF project.

**IUP (Intended Use Plan)** - the annual plan identifying the intended uses of the funds available to the State from each EPA capitalization grant award, its State match and associated bond proceeds.

**MBE/WBE** - Minority Business Enterprise and Women Business Enterprise.

**MMBB** - the Maine Municipal Bond Bank.

**MRWA** - Maine Rural Water Association

**Non-equivalency projects** - projects that because of their total dollar amount will be considered to be funded with nonfederal monies. This exempts them from having to meet federal cross-cutting authorities, except that they must meet anti-discrimination laws, as a requirement of receiving financial assistance from the DWSRF program.

**Plans and specifications** - the engineering description of the project including engineering drawings, maps, technical specifications, design reports and construction contract documents in sufficient detail to allow contractors to bid on and construct the work.

**Primary Project** - a project identified to receive financial assistance from the DWSRF.

**Program** - the Drinking Water State Revolving Loan Fund Program / Drinking Water Program of the Division of Health Engineering in the Maine Department of Human Services.

**Program Manager** - the Drinking Water Program staff person responsible for overseeing the DWSRF Program.

**Project** - the work to be accomplished for which an eligible public water system is seeking a loan or other financial assistance from the DWSRF.

**Project Manager**- the Program staff member who is the primary contact with the public water system for purposes of administering the DWSRF requirements relating to a Primary Project.

**Project Submittal Form** - a one-page document of information submitted by an eligible public water system for initial consideration and assignment of priority points for a DWSRF project.

**RCAP** - Rural Community Assistance Program.

**RUS** - Rural Utilities Service.

## **Appendix B**

### **Environmental Review Information**

In order for the Department of Human Services, Drinking Water Program (DHS) to complete a NEPA-like environmental review for an eligible project the applicant must submit a variety of information to the DHS. The attached forms and sample letters are to assist the applicant in the gathering and subsequent submittal of the required material and information.

The applicant is encouraged to ask the Environmental Coordinator or Project Manager for help interpreting what is required or meant by any part of the attached materials.

A first step for the applicant is to gather and organize the background project data that has already been prepared, such as hydrogeologic reports, preliminary engineering reports, capital improvements plans/studies and/or reports. Such documents will serve to provide the applicants with many of the answers regarding the impact of the project on the population and economy of the service area, as well as a clear definition of the problem(s) and the alternatives available to the applicant to address the problem(s) to be remedied by the proposed project.

The problem must be explained and the needs and solutions to address the problem identified. Particular attention must be given to the consideration of alternatives. Possible alternatives must be identified and evaluated. The evaluation must include adequate information to compare each alternative with regard to capital construction costs, operation and maintenance costs, projected future construction costs (through 10 or more years), environmental impacts and impacts on the service community with regard to population and employment patterns.

To help you determining what information is pertinent to your project please complete the attached forms.

When using the forms, any areas of question or concern should be noted in the comment area.

## ENVIRONMENTAL REVIEW SUBMISSION FORM PAGE 1

DWSRF Project Number \_\_\_\_\_ PWS Name \_\_\_\_\_ Date \_\_\_\_\_  
 Project Description \_\_\_\_\_ PWSID \_\_\_\_\_

AREA OF ENVIRONMENTAL CONCERN AND/OR REVIEW - Use the following checklist to identify the scope of the environmental review that must be completed for your project. Submittal of the required information along with available engineering reports will allow DHS to determine what level of environmental review will be required for your DWSRF project.	Yes	No, but with beneficial impact	No, adverse impact	Date permit obtained	List resources used as basis for conclusion - attach supportive materials as needed. Other comments.
<b>Land Use, Plans and Zoning</b>					
Is the project consistent with the comprehensive plans and/or other plans for the area?					
Have abutters and/or neighbors have been given the opportunity to comment?					<b>Copies of notification must be submitted. Submit copies of comments received and action taken.</b>
Has/will a building permit been obtained?					<b>Submit copy of permit if obtained.</b>
<b>Air Quality</b>					
<b>NO</b> equipment will be installed and/or operated that will effect air quality?					
<b>Surface/ground waters and natural resource areas</b>					
Has a permit-by-rule notification been submitted?					<b>Submit copy of permit application if made.</b>
<b>The resource areas listed below are <u>NOT</u> affected</b>					
Water Resources					
Surface Water					
Floodplains					<b>If in question, submit copy of firm panel used.</b>
Wetlands					<b>If in question, submit letter of compliance from USCOE. Submit copy of wetlands map.</b>

## ENVIRONMENTAL REVIEW SUBMISSION FORM PAGE 2

DWSRF Project Number \_\_\_\_\_ PWS Name \_\_\_\_\_ Date \_\_\_\_\_  
 Project Description \_\_\_\_\_ PWSID \_\_\_\_\_

AREA OF ENVIRONMENTAL CONCERN AND/OR REVIEW	Yes	No, but with beneficial impact	No, adverse impact	Date permit obtained	List resources used as basis for conclusion - attach supportive materials as needed. Other comments.
<b>The resource areas listed below are <u>NOT</u> affected</b>					
Coastal Zone/Barrier/Dunes					
Fragile Mountain Area					<b>If in question, submit compliance letter from NRCS.</b>
Farmlands					
Wild & Scenic Rivers					
Endangered Species Habitat					
Single Source Aquifer					
Individual NRPA permit not required					<b>Submit copy of permit application if made.</b>
<b>Historic/Cultural/Archeological Resources</b>					
The project area has <b><u>NO</u></b> potential H/C/A resources?					<b>Supporting letter must be submitted.</b>
There are <b><u>NO</u></b> natural landmarks are in/near project area?					
There is <b><u>NO</u></b> impact on the Appalachian Trail?					
<b>Threatened/Endangered Species</b>					
The U.S. Fish & Wildlife Service has <b><u>NO</u></b> areas of concern?					<b>Supporting letter must be submitted.</b>
The ME Inland Fish & Wildlife Service has <b><u>NO</u></b> areas of concern?					
<b>Noise</b>					
The existing ambient noise levels will <b><u>NOT</u></b> change?					



## ENVIRONMENTAL REVIEW SUBMISSION FORM PAGE 3

DWSRF Project Number \_\_\_\_\_ PWS Name \_\_\_\_\_ Date \_\_\_\_\_

Project Description \_\_\_\_\_ PWSID \_\_\_\_\_

AREA OF ENVIRONMENTAL CONCERN AND/OR REVIEW -	Yes	No, but with beneficial impact	No, adverse impact	Date permit obtained	List resources used as basis for conclusion - attach supportive materials as needed. Other comments.
<b>Socioeconomic Considerations</b>					
The demographics/character of the area will <b>NOT</b> change?					<b>Give Historic and Projected Population Growth Figures.</b>
The population will <b>NOT</b> be displaced by the project?					
The employment/income patterns will <b>NOT</b> change?					
<b>Public Involvement</b>					
Public meetings were held?					<b>Submit listing of meetings &amp; copies of minutes kept at meetings.</b>
Comments were solicited and received?					<b>Submit copies of comments received and action taken (if any).</b>
Project is <b>NOT</b> anticipated to generate public controversy?					
Project is cost effective?					<b>Supported in presentation of alternatives.</b>
The capacity of the system will <b>NOT</b> increase 30% or more as a result of the project?					

Alternatives considered: Include a list of alternatives available to address the problem that the proposed project is to remedy. The estimated construction costs, operation and maintenance costs, future construction costs, potential environmental and social impacts, and the reason for not choosing each alternative must be listed.

## ENVIRONMENTAL REVIEW SUBMISSION FORM PAGE 4

DWSRF Project Number \_\_\_\_\_

PWS Name \_\_\_\_\_

Date \_\_\_\_\_

PWSID \_\_\_\_\_

Project Description \_\_\_\_\_

### Area of Environmental Concern and/or Review

The type of environmental determination to be issued for the proposed action is based on the potential impact of the project on the project area and the area to be served by the project. Potential impact includes indirect, long-term and cumulative impact of the project.

Your project may be eligible for a categorical exclusion (CE) from a formal environmental review. If you are able to respond “Yes” to all of the previously listed statements and your projects is one of the types listed as eligible for a CE in Section 6.c.II, AA and NOT excluded in Section 6.c.II.BB of the Rules Relating to Drinking Water State Revolving Loan Fund, you should request a CE Environmental Determination from the Drinking Water Program (DWP) for your project.

If your project can not receive a CE Environmental Determination, you will need to submit this form along with the requested supporting documentation and other required information listed in Section 6.f.II of the Rules Relating to Drinking Water State Revolving Loan Fund. The DWP staff will review the information that you submit and complete an Environmental Assessment of your project. If the Environmental Assessment finds that the project will have no significant impact on the human environment of the project area, a Finding of No Significant Impact (FNSI) will be issued for the project. If the Environmental Assessment finds otherwise, you will be required to see that an Environmental Impact Statement is prepared for the project prior to its receiving DWSRF financial assistance.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

## **Appendix C**

### **Environmental Review Example Letters**

## Your Letterhead

*Date*

*Reviewer's Name*

*Concurring Agency*

*Main Street*

*Some Town, ME 04444*

Re: Environmental Review – *Your Project Name*

Dear *Reviewer*,

The system name is proposing to *brief description of project*. The project is located as shown on the enclosed site map.

The system has applied for financial assistance from the Maine Drinking Water State Revolving Loan Fund (DWSRF), which is funded in part by a grant to the State from the U.S. Environmental Protection Agency. Consequently, it is necessary for the project to meet federal cross-cutting authority requirements.

At your earliest convenience, please review the proposed project and give us comments with regard to the *appropriate cross-cutting authority*. Also, please let me know if you have other concerns about the potential environmental impact of the proposed activity. If you need further information, please contact me at *your phone number* or by e-mail at *your e-mail*.

If a response to this letter is not received within 30 days, we will assume that you have no concerns with regard to the proposed project.

Sincerely,

Enclosure – site map

cc: *as appropriate*  
Drinking Water Program

## Your Letterhead

*Date*

*Reviewer's Name*

*Concurring Agency*

*Main Street*

*Some Town, ME 04444*

Re: Environmental Review – *Your Project Name*

Dear *Reviewer*,

The system name is proposing to *brief description of project*. The project is located as shown on the enclosed site map.

The system has applied for financial assistance from the Maine Drinking Water State Revolving Loan Fund (DWSRF), which is funded in part by a grant to the State from the U.S. Environmental Protection Agency. Consequently, it is necessary for the project to meet federal cross-cutting authority requirements.

Please have the proposed project undergo the Intergovernmental Review in compliance with Federal Executive Order #12372 and 5 MRSA Subsection S1. If you need further information, please contact me at your phone number or by e-mail at your e-mail.

Sincerely,

Enclosure – site map

cc: *as appropriate*  
Drinking Water Program

## **Appendix D**

### **Chapter 230: Rules Related to Drinking Water State Revolving Fund**

10-144 DEPARTMENT OF HUMAN SERVICES

DIVISION OF HEALTH ENGINEERING

Chapter 230: RULES RELATING TO DRINKING WATER STATE REVOLVING  
FUND

STATE OF MAINE

RULES RELATING TO DRINKING WATER STATE REVOLVING LOAN  
FUND

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF HEALTH ENGINEERING  
10 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0010

and

MAINE MUNICIPAL BOND BANK

Effective January 28, 1998

Department of Human Services  
Bureau of Health  
Division of Health Engineering

STATE OF MAINE  
RULES RELATING TO DRINKING WATER STATE REVOLVING LOAN FUND

SUMMARY STATEMENT

These rules set forth and explain 1) the uses to which the Drinking Water State Revolving Fund (the Fund) may be put, 2) the prioritization of Projects requesting financial assistance from the Fund, 3) the process for certification of the eligibility of Projects prior to their receiving financial assistance, and 4) the details of the environmental review process for applicants seeking financial assistance from the Fund.

BASIS STATEMENT

These rules are established to allow the Fund to award financial assistance to public water systems for the construction of Projects that will eliminate immediate and potential threats to public health. The Fund is financed in part by a grant from the U.S. Environmental Protection Agency (EPA). EPA guidelines require that recipient states have certain rules in place for the administration of the Fund and for conducting environmental reviews of Projects. Projects receiving monies from the Fund must undergo an environmental review to ensure that they comply with applicable local, state and federal laws relating to the protection and enhancement of the human environment affected by the Project.

AUTHORITY

30-A M.R.S.A. Section 5959

EFFECTIVE DATE

These rules are effective January 28, 1998

Non-Discrimination Notice

In accordance with Title VI of the Civil Rights Act of 1964, as amended by the Civil Rights Restoration Act of 1991 (42 U.S.C. 1981, 2000e et seq.) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), Title 11 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and Title IX of the Education Amendments of 1972, the Maine Department of Human Services does not discriminate on the basis of sex, color, national origin, disability or age in admission or access to or treatment or employment in its programs and activities,



1. Uses of the Safe Drinking Water State Revolving Loan Fund established by Public Law 1997, Chapter 555.
  - a. General. For purposes of administering the Safe Drinking Water State Revolving Loan Fund established by 30A MRSA Section 6006-B (the Fund) references to “water utility” in 30A MRSA Sections 5953-B and 6006-B shall be taken to mean a public water system as defined in 22 MRSA Section 2601, subsection 8. In addition all references in 30A MRSA Section 6006-B to the federal Safe Drinking Water Act shall be read as references to the federal Safe Drinking Water Act of 1996, 42 USC Sections 300f to 300j-9, as amended.
  - b. Additional uses. The Fund may be used for one or more of the following purposes, in addition to the purposes listed in 30A MRSA Section 6006-B, subsection 2:
    - I. To make loans to a municipality or an intermunicipal or interstate agency or other eligible participant as specified in the federal Safe Drinking Water Act of 1996, 42 USC Sections 300f to 300j-9, as amended (the Act), to buy or refinance bonds or notes issued after July 1, 1993 for the purpose of financing the construction of any capital improvement or management project described under 30A MRSA Section 5953-B, subsection 1 and certified under 30A MRSA Section 5953-B, subsection 3;
    - II. To pay the costs of the Maine Municipal Bond Bank (the Bank) and the Department of Human Services (DHS) associated with the administration of the Fund and Projects financed by it, provided that such costs be paid from a separate, dedicated and identifiable administrative account into which not more than four percent (4%), or such greater amount as may be permitted under federal law as part of the Act, of each federal capitalization grant allotment, and other amounts, shall be deposited; and
    - III. To pay costs required, authorized or funded under the Act with regard to the treatment of drinking water or to pay costs authorized or funded by other federal laws or programs that provide money for deposit to the Fund for the purposes of 30A MRSA Section 6006-B.
2. Prioritization of Projects to receive financial assistance from the Fund.
  - a. General. Periodically, and at least annually, DHS will prepare and certify to the Bank a project priority list of those public water system projects eligible for financial assistance from the Fund. For the purposes of these rules a public water system is defined in 22 MRSA Section 2601, subsection 8.

- b. Priority factors. The factors to be considered in developing the priority list shall include, but not be limited to:
  - I. Does the project address serious risk to human health;
  - II. Is the project necessary to ensure compliance with the Safe Drinking Water Act;
  - III. Is the project to assist public water systems in need on a per household basis according to State affordability criteria; and
  - IV. Does the project meet the above listed factors used in developing the priority list and is the public water system prepared to proceed with the proposed activity.
- 3. Certification of eligibility for financial assistance. No financial assistance for a project may be granted under this section until DHS has certified to the Bank that the project is eligible for immediate financing under 30A MRSA Section 5953-B and is on the priority list identified in Section 2 of these rules.
- 4. Environmental Review for Non-equivalency Projects. An applicant requesting assistance for a non-equivalency projects (as defined in the Environmental Protection Agency Drinking Water State Revolving Fund Program Guidelines) shall certify that the Project complies with all local and State reviews and permit requirements for construction of the Project. The applicant shall submit copies of all permits or other documents obtained from local, State and federal agencies for the Project. The applicant shall also submit an evaluation of the alternatives considered prior to choosing the Project, a description of the positive and negative impacts of the Project on the environment and a description of the future of the area's environment without the Project. DHS will review the applicant's submittal to determine whether or not the Project is consistent with applicable State, local and federal environmental regulations. After determining that the Project is consistent with the applicable environmental regulations DHS will issue a Determination of Environmental Compliance for the non-equivalency Project. Notice of the determination shall be published by the applicant in a newspaper of general circulation in the area to be served. Concurrently, DHS shall make the documentation submitted by the applicant available to the public and shall distribute the notice of the determination to all known interested parties. In the event the Project is not consistent with the applicable environmental regulations financial assistance will not be given.
- 5. Federal Cross-cutter Authorities shall be met by equivalency projects (as defined in the Environmental Protection Agency Drinking Water State Revolving Fund Guidelines).

Applicants shall be responsible for ensuring that all federal and State agencies with responsibility for administration of federal cross-cutting authorities review the Project for consistency with those authorities.

6. Environmental Review for Equivalency Projects.

- a. General. As required by the provisions of the Act, DHS will conduct an interdisciplinary environmental review of equivalency projects proposed for funding through the Fund. This NEPA (National Environmental Protection Act) - like review will ensure that the Project will comply with the applicable local, State and federal laws, relating to the protection, restoration and enhancement of the environment. The review will include provisions for public participation and consideration of the immediate and long-term individual and cumulative effects of the Project. Based upon DHS staff (the Staff) review and consideration of public comments, including local, State and federal agency comments, DHS will make a formal determination regarding the potential social and environmental impacts of the proposed Project. If necessary, the determinations of DHS will include mitigative provisions as a condition to the provision of financial assistance for construction. No financial assistance will be provided until a final environmental determination has been made by DHS, or a previous determination made by DHS has been accepted (see subsection (d) (I) of this section). DHS may concur with an environmental determination that is based on a NEPA or NEPA-like review issued by another State or federal agency.
- b. Early review and coordination. During the planning stage for a Project potential applicants to the Fund should obtain guidance from the Staff regarding the scope of the environmental review to be conducted. This will allow for early involvement and consultation with multiple funding and review agencies. Early identification of the agencies with potential environmental issues of concern will allow for concurrent rather than consecutive reviews of the Project and allow the focus of study and review to concentrate on those issues. Early identification of areas of concern will minimize delays due to incorporating measures to eliminate or mitigate the concern. Early coordination will also allow the involved agencies to coordinate public notice and hearing requirements when practicable. Environmental documentation may be generated simultaneously with preliminary engineering reports and/or other planning documents allowing for integrated circulation and review of the documents.
- c. Basic environmental determinations. There are three basic environmental determinations that will apply to Projects proposed to be implemented with assistance from the Fund. They are: (1) a determination to categorically exclude (CE) a Project from a formal environmental review, (2) a finding of no significant impact (FNSI) based upon a formal environmental review supported by an

environmental information document (EID) and, (3) a determination to require the preparation of an environmental impact statement (EIS), after which a determination to provide or not to provide financial assistance will be included in the EIS record of decision (ROD).

I. For the purposes of making an environmental determination, no significant environmental impact means:

- AA. State ambient air quality standards and State emissions standards are met;
- BB. The State classification of nearby, or adjacent, surface water bodies is not affected;
- CC. Ground water quality for the area is not degraded, nor are off-site wells or other protected natural resources at risk due to taking of water from the ground water source;
- DD. The preservation of any site recognized as historic on the National Register of Historic Places and/or the Maine Historic Resource Inventory is not affected;
- EE. Threatened or endangered species, and/or their habitats, are not affected;
- FF. Environmentally sensitive areas such as, but not limited to, wetlands, fragile mountain areas, floodplains, coastal zones, coastal dunes, coastal barrier islands, wild and scenic rivers, and important farmlands, identified by State and Federal environmental authorities, are not affected;
- GG. Local noise levels are not changed; and
- HH. Other parameters which may be designated by DHS, as required.

When evaluating the above parameters, the criteria and considerations established in Chapter 375 Site Location of Development Regulations of the State of Maine Department of Environmental Protection will be utilized. Guidance for application and definition of terms used in evaluation of social and natural environmental impacts will be taken from the Council on Environmental Quality (CEQ) regulations, guidance and “Question and Answer” documents.

II. The categorical exclusion (CE) determination applies to categories of Projects that have been shown over time not to entail significant impacts on the quality of the environment:

AA. A Project that 1) is expected to have no significant environmental impact, 2) is located such that the Project or the required construction work for the Project will not be in or affect nearby environmentally sensitive areas or resources, and 3) meets any one of the following criteria, as determined by DHS, may be categorically excluded from formal environmental review requirements:

- i. The Project is directed solely toward the rehabilitation, minor upgrading and/or minor expansion of existing facilities, toward functional replacement of equipment, toward the construction of related facilities adjoining existing facilities, or toward construction of small structures on existing sites;
- ii. The Project is to replace existing water mains with new mains in the same general location; or
- iii. The Project is to replace existing water storage facilities with new storage facilities in the same general location; or
- iv. The Project is to construct distribution or transmission mains in existing developed rights-of-way; or
- v. The Project is the purchase of land or easements integral to the implementation of a source water protection plan where no land-use changes are anticipated to occur.

BB. CEs will not be granted for Projects that entail:

- i. A new surface water intake or relocation of an existing surface water intake or a new discharge;
- ii. The provision of capacity for a population 30 percent or greater than the existing population within a 10 year period;
- iii. Known or expected impacts to cultural resources, to threatened or endangered species, or to other environmentally sensitive areas, as defined by local, State or federal law; or

- iv. The construction of facilities that are known or expected not to be cost-effective or are likely to cause significant public controversy.
  - CC. DHS may issue a CE for other categories of Projects for which there is sufficient documentation demonstrating that the Project is not likely to have significant effects on the quality of the environment.
  - DD. DHS shall revoke a CE and require the applicant to prepare and submit an EID if 1) the Project is altered and no longer meets the requirements for a CE or, 2) new evidence shows that serious environmental issues exist or, 3) a local, State, or federal law is being or may be violated.
- III. Applicants whose Projects do not meet the criteria for a CE will be required to prepare an Environmental Information Document (EID). DHS Staff will review the EID and prepare an environmental assessment (EA) resulting in the issuance of either a FNSI or a public notice that preparation of an EIS by the applicant will be required. DHS's issuance of a FNSI will be based upon the EA which shall document that the potential environmental impacts will not be significant or that they will be mitigated without extraordinary measures.
- IV. The ROD may only be based upon an EIS that is prepared in conformance with CEQ regulations (CFR 40 Part 1502.10). An EIS will be required when DHS determines through preparation of the EA that any one of the following conditions exist:
- AA. The Project will significantly affect the pattern and type of land use or growth and distribution of the population;
  - BB. The effects of the construction or operation of the project will conflict with local or State laws or rules;
  - CC. The Project may have significant adverse impacts upon any one of the following:
    - i. Wetlands;
    - ii. Floodplains;
    - iii. Threatened and endangered species or their habitats; or

- iv. Cultural resources including parklands, preserves, and other public land or areas of recognized scenic, recreational, agricultural, archeological or historic value.
  - DD. The Project may displace population or significantly alter the characteristics of existing residential areas;
  - EE. The Project may directly or indirectly (e.g., through induced development) have significant adverse effect, as defined by CEQ Regulations, upon local ambient air quality, local noise levels, surface and ground water quantity or quality, fish, shellfish, wildlife or their natural habitats; or
  - FF. The Project may generate significant public controversy.
- d. Other determinations that DHS is required to make.
- I. If funding application is made five or more years after an environmental determination has been issued, or a Project has been altered, DHS will examine the plans and specifications, and related documents, for consistency with the environmental determination. If significant changes are found, DHS may revoke a CE and require the preparation of an EID and, if appropriate an EIS, or require the preparation of amendments to an EID or, if appropriate, supplements to an EIS. Based upon Staff review of the amended Project and EID, DHS will:
    - AA. Reaffirm the original environmental determination through the issuance of a public notice or statement of finding;
    - BB. Issue a FNSI for a Project for which a CE has been revoked, or issue a public notice that the preparation of an EIS will be required;
    - CC. Issue an amendment to a FNSI, or revoke a FNSI and issue a public notice that the preparation of an EIS will be required; or
    - DD. Issue a supplement to a ROD, or revoke a ROD that included funding and issue a public notice that financial assistance will not be provided.
- e. Other determinations that DHS may make.
- I. An applicant may request advance authority to construct part of the proposed Project prior to completion of the necessary environmental review when the part of the Project to be constructed:

- AA. Immediately remedies a severe public health, water quality or environmental problem;
    - BB. Does not preclude any reasonable alternatives identified for the complete system;
    - CC. Does not cause significant direct or indirect environmental impacts including those which cannot be acceptably mitigated without completing the entire Project; and
    - DD. Is not highly controversial.
  - II. Based upon the review of the information required by subsection (f) of this section, if DHS finds that the portion of the Project to be constructed meets the requirements of subsection (e)(I) above, DHS will issue a FNSI so conditioned as to prohibit construction of the remainder of the Project until a complete environmental review of the entire Project has been performed and an environmental determination issued.
- f. Environmental information required by DHS. A minimum of two copies of all information required in this subsection shall be submitted to DHS. Information regarding environmentally sensitive areas and important natural resources referred to in these rules is available through various agencies of the State and federal government.
- I. Applicants seeking a CE will provide DHS with sufficient documentation to demonstrate compliance with the criteria of subsection (c)(II) of this section. At a minimum, this documentation will consist of:
    - AA. A brief, complete description of the proposed Project and its costs;
    - BB. A statement indicating that the Project is cost-effective and that the applicant is financially capable of constructing, operating and maintaining the facilities; and
    - CC. A plan map, or maps, of the proposed Project showing:
      - i. The location of all construction areas,
      - ii. The water service area boundaries, and
      - iii. Any known environmentally sensitive areas, such as, but not limited to, cultural resource sites, endangered or threatened



species critical habitats and environmentally important natural resource areas such as, but not limited to, 100-year floodplain boundary, wetlands, important farmlands, coastal zones or wild and scenic rivers, and fragile mountain areas.

DD. Copies of all permits obtained by the applicant from local, State and federal agencies for the Project.

II. An EID must be submitted by those applicants whose proposed Projects do not meet the criteria for a CE.

AA. In addition to such other information as DHS may require, the contents of an EID will include:

- i. A description of the Project including population to be served, if appropriate. Population projections will be consistent with studies available from the Regional Planning Commission for the area to be served by the Project;
- ii. The environmental setting of the Project and the future of the environment without the Project;
- iii. The alternatives to the Project including an evaluation of direct and indirect impacts, cost effective analysis and socioeconomic effect of each alternative;
- iv. The potential environmental impacts of the Project, including those which cannot be avoided;
- v. A discussion of the whole range of relevant impacts including measures to mitigate adverse impacts, and commitments of resources to the Project. This would include any specific requirements of grant conditions or drinking water system long-term plans. Such requirements should be identified and referenced;
- vi. A description of public participation activities conducted, issues raised, and changes to the Project which have been or may be made as a result of the public participation process;
- vii. Documentation of coordination with appropriate governmental and regulatory agencies; and

- viii. A plan map or maps as defined in subsection (f)(I)(CC) of this section.
  - BB. The EID shall be made available for public review and comment for 30 days. The applicant shall advertise the availability of the EID in a newspaper of general circulation in the area to be served. Concurrent with the advertisement, a notice of availability of the EID will be sent to all local, State and federal agencies and to public and private parties who have expressed an interest in the proposed Project. Both the advertisement and the notice shall include the deadline for submitting comments and for requesting a public hearing. Addresses where copies of the EID can be obtained and where comments will be taken shall also be included.
  - CC. A public hearing on the EID will be held when the Project is expected to have an effect on the environment, or when five (5) or more persons request a hearing in writing. The applicant shall provide DHS with a record of the hearing which shall include, a list of people in attendance, identities of commenters and the comments they made, copies of written testimony and the applicant's responses to the comments made. The record of the hearing and the EID shall be submitted to DHS no later than thirty (30) days after the hearing. Advertisement and notice of the hearing shall be made no less than seventeen (17) days prior to the hearing. In the event the hearing date falls after a previously set comment deadline, comments shall be taken for five (5) days after the hearing. Notice of the public hearing shall be advertised in a newspaper of general circulation in the area to be served and sent to all local, State, and federal agencies and to public and private parties that have expressed an interest in the proposed Project. The applicant may request and DHS may allow for the hearing to be held in conjunction with another hearing required for the Project.
- III. The format of an EIS will allow for sound analysis by making a clear presentation of all alternatives, including the no action alternative, the proposed alternative, and all rejected alternatives. Both positive and negative environmental, economic and social impacts will be presented for each of the alternatives. Justification for choosing the proposed alternative and rejecting the others will be included. The procedure for developing the EIS is given in subsection (g) of this section.

- g. Procedures for Developing the EIS.
  - I. Upon making the determination that an EIS will be required of a proposed Project, DHS will publish and distribute a notice of intent to have an EIS prepared.
  - II. The EIS shall be prepared consistent with the CEQ regulations (40 CFR Part 1502.10).
  - III. The environmental determination will be in the form of a ROD stating one of the following:
    - AA. Financial assistance is given to the proposed Project;
    - BB. The proposed Project is modified to reduce adverse environmental impacts prior to financial assistance being given, or financial assistance is provided with conditions that mitigative measures be implemented; or
    - CC. Financial assistance is not provided for the proposed Project.
- h. Public Notice Requirements after an environmental determination has been made. After DHS has issued an environmental determination the applicant shall give public notice as follows:
  - I. For Projects receiving a CE determination:
    - AA. Applicants shall publish a notice indicating the determination in a local newspaper of community-wide circulation stating that supporting documentation is available for public inspection.
    - BB. Concurrently, DHS shall make the documentation available to the public and shall distribute the notice of the determination to all known interested parties.
  - II. For Projects receiving a FNSI determination:
    - AA. DHS shall allow for public review for at least thirty (30) days prior to the FNSI taking effect by:
      - i. Assisting the applicant with publication of a notice of the determination and a statement of the availability of the supporting EA in a newspaper of general circulation in the area to be served.

- ii. Making the EA available to the public.
    - iii. Distributing the FNSI and EA to all known interested parties.
  - III. For Projects receiving a ROD after preparation of an EIS:
    - AA. DHS shall distribute the ROD to all parties who commented on the Draft or Final EIS.
- i. DHS shall Monitor and Enforce compliance with grant conditions.
  - I. The Project will be monitored by DHS to ensure that any mitigating measures identified in the FNSI or ROD are being met.
  - II. If the applicant/recipient fails to comply with grant conditions any of the following enforcement sanctions may be imposed:
    - AA. Temporarily withhold cash payments pending correction of the deficiency;
    - BB. Deny funding of all or part of the cost of the action not in compliance;
    - CC. Wholly or partly suspend or terminate funding of the Project;
    - DD. Withhold further funding for the Project;
    - EE. Take other measures that may be legally available.
- 7. Constitutionality Clause. Should any section, paragraph, sentence, clause, or phrase of these rules be declared unconstitutional or invalid for any reason, the remainder of the rules shall not be affected thereby.
- 8. Advisory Rulings and Adjudicatory Proceedings. Nothing in these rules shall prohibit any public, private or governmental party from seeking administrative or legal relief from the determination of DHS. Requests for advisory rulings and adjudicatory proceedings shall be made to DHS as provided in the State of Maine Rules Relating to Drinking Water, 10-144E CMR 231, Section 1-B.

STATUTORY AUTHORITY: 30A M.R.S.A. Section 5959

EFFECTIVE DATE: October 22, 1997 (EMERGENCY - expires January 20, 1998)

NON-SUBSTANTIVE CORRECTION: November 10, 1997 - corrected expiration date.

EFFECTIVE DATE: January 28, 1998

## **Appendix E**

### **Federal Cross-Cutting Authorities**

## The following is a list of Federal Cross-cutting Authorities

### **Environmental Authorities**

#### **Archeological and Historic Preservation Act of 1974, Pub. L. 86-523, as amended**

Relating to identifying relics and specimens and other forms of scientific, prehistoric, historical or archeological data that may be lost in the course of federally-sponsored construction

Contact the Maine Historic Preservation Commission

#### **Clean Air Act, Pub. L. 84-159, as amended**

Regarding conformity of federal actions to State Clean Air Implementation Plans. Section 176(c) of the act prohibits any federal assistance for an activity that fails to conform with an applicable state implementation plan

Contact the Maine Dept. of Environmental Protection

#### **Coastal Barrier Resources Act, Pub. L. 97-348**

Restricts federal financial assistance that would have the effect of encouraging development in the Coastal Barrier Resources System and in the wetlands, natural habitats, and other ecosystems adjacent to the coast barriers. Maine statutes and regulation further limit expenditures of funds within the Coastal Barrier

Contact the Maine Geological Survey

#### **Coastal Zone Management Act, Pub. L. 92-583, as amended**

Regarding assurance of project consistency with the approved State management program developed under this act. Federal activities, including financial assistance to state and local governments, affecting the coastal zone must be consistent with approved state coastal zone management plans

Contact the Maine Geological Survey

#### **Endangered Species Act, Pub. L. 93-205, as amended**

Requires federal agencies to ensure that their activities do not jeopardize any listed or proposed endangered or threatened species or the critical habitat on which they depend

Contact the U.S. Fish and Wildlife Service

#### **Environmental Justice, Executive Order 12898**

Regarding disproportionately high and adverse human health or environmental effects on minority populations and low-income populations

#### **Floodplain Management, Executive Order 11988 as amended by Executive Order 12148**

Regarding evaluation of flood hazards in floodplains, requires federal agencies undertaking or assisting activities to determine whether the proposed activities will occur in a floodplain, to select alternative locations to a floodplain if that is practicable, and if no practical alternatives are available, to take measures to reduce the risk of flood damage

Contact local town and regional planning agencies

**Protection of Wetlands, Executive Order 11990**

Directs federal agencies to determine whether proposed activities will be located in or affect a wetland and to refrain from damaging or altering wetlands in any manner when there are feasible alternatives to the action

Contact the U. S. Army Corps of Engineer

**Farmland Protection Policy Act, Pub. L. 97-98**

Directs federal agencies to identify the potential adverse effects of their programs on farmland and its conversion to nonagricultural uses and to take mitigating or alternative measures to lessen these effects

Contact the Natural Resource Conservation Service

**Fish and Wildlife Coordination Act, Pub. L. 85-624**

Requires federal agencies to consult with U.S. Fish and Wildlife Service officials and state wildlife officials during the planning phases for any project that will control or modify a body of water to mitigate any harmful effects the water resource development project may have on wildlife and its habitat in the project area

Contact the USACOE

**National Historic Preservation Act of 1966, Pub. L. 89-665, as amended**

Requires agencies to identify and nominate for National Register of Historic Places resources under its control and to ensure that these resources are not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly

contact: DWP has listing of sites and contacts for each

**Safe Drinking Water Act, Pub. L. 93-523, as amended**

Regarding protection of underground sources of drinking water, prohibits federal financial assistance for any project which EPA determines may contaminate any aquifer that serves as the sole or principal source of drinking water for a community

Contact the U. S. Environmental Protection Agency (for single source aquifers)

**Wild and Scenic Rivers Act, Pub. L. 90-542, as amended**

Related to protecting components or potential components of the national wild and scenic rivers system, prohibits federal assistance for water resources development projects that would have adverse effects on the scenic, recreational, or other special values of a wild and scenic river

contact: DWP has listing of Wild & Scenic Rivers with contacts

**Economic and Miscellaneous Authorities****Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, as amended, Executive Order 12372**

Requires federal agencies to consult with local officials to ensure smoother coordination of their assistance programs and to ensure that projects funded under federal programs are consistent with local planning requirements

contact: Town and regional planning agencies



**Procurement Prohibitions under Section 306 of the Clean Air Act and Section 503 of the Clean -Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants or Loans** Regarding procurement of goods, materials, and services from facilities/individuals convicted of a violation of the Clean Air Act or the Clean Water Act

**Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended**

Establishing a uniform policy for fair and equitable treatment of persons displaced from their homes, farms, or businesses (or whose property is acquired as a result of Federal or federally assisted programs) to make way for federal or federally assisted projects. These requirements apply to all interested in real property acquired for project purposes regardless of Federal participation in the purchase.

**Debarment and Suspension, Executive Order 12549**

Regarding exclusion of debarred and suspended parties from participation in programs and activities involving federal financial and non-financial assistance and benefits

**Social Policy Authorities** - All of the following, in combination, prohibit discrimination in the provision of benefits or service on the basis of race, color, national origin, sex, handicap, or age in programs or activities receiving federal financial assistance

Contact the Maine Human Rights Commission

**Age Discrimination Act of 1975, Pub. L. 94-135**

Prohibiting discrimination on the basis of age

**Civil Rights Act of 1964, Title VI, Pub. L. 88-352**

Prohibiting discrimination on the basis of race, color, or national origin

**Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (the Clean Water Act)**

Prohibiting discrimination on the basis of sex

**Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250)**

Prohibiting discrimination on the basis of handicap

**Equal Employment Opportunity, Executive Order 11246**

Requiring all federal contracting agencies to include nondiscrimination and affirmative action provisions in all contracts and to require that these provisions be included in subcontracts

**Women's and Minority Business Enterprise, Executive Orders 11625, 12133 and 12432**

Requires federal agencies to take actions to increase the participants of minority and women-owned business enterprises in the financial assistance programs of federal agencies and in contracts awarded by state and local recipients of federal assistance

**Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590**

Encouraging the use of small business concerns located in rural areas

## **Appendix F**

### **DWSRF Contract Requirements**

## **DWSRF SUPPLEMENTAL GENERAL CONDITIONS**

The provisions of the Drinking Water State Revolving Loan Fund (DWSRF) Supplemental General Conditions as described below change, amend, or supplement the General Conditions and shall supersede any conflicting provisions of the CONTRACT. These provisions shall be used in conjunction with the most recent version of EJCDC documents No. 1910-8-FA (Contract General Conditions) and No. 1910-8-A-1-FA (Owner/Contractor Agreement), both the Funding Agency version. All provisions of the General Conditions, which are not changed, amended, or supplemented, remain in full force.

### **Notice to Bidders**

Any person interested in Bidding on this contract should thoroughly familiarize themselves with these DWSRF Supplemental General Conditions. Failure to comply with any of these conditions may result in the Bidder being determined non-responsive and therefore, not entitled to the award of this contract.

### **Minority and Women Business Enterprises Requirements**

The CONTRACTOR will take all necessary affirmative steps to assure that minority firms, women's business enterprises and labor surplus area firms are used when possible.

Affirmative steps shall include:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (iii) Dividing total requirements, when economically feasible into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
- (v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

The goals for this PROJECT are a minimum of five percent (5%) MBE and WBE participation (1.3% MBE; 3.7% WBE). If these goals are not met the successful bidder must demonstrate a good faith effort toward meeting the goals. The successful bidder must submit to the OWNER, within ten (10) days after the bid opening or by the contract signing, the appropriate one of either Attachment A (the MBE/WBE goals having been met) or Attachment B (the MBE/WBE goals not having been met) completed in its entirety. In addition, the CONTRACTOR shall submit to the OWNER, a compliance report (Attachment C) listing the MBES and WBES, their work and the amount of payment to each, during each pay request period, for the duration of the contract. Attachments A, B, and C are included in this document.

NOTE: The most recent copy of the Maine Department of Transportation's "Certified Disadvantaged Business Enterprise Directory", or reference to its Internet location ([state.me.us/mdot/humnrres/o\\_equalo/cdwbed\\_h.htm](http://state.me.us/mdot/humnrres/o_equalo/cdwbed_h.htm)), should be attached and made part of the specifications.

#### Contractor's and Subcontractor's Insurance\*

The CONTRACTOR shall not commence work under this contract until he has obtained all the insurance required hereunder and the OWNER has approved such insurance, nor shall the CONTRACTOR allow any SUBCONTRACTOR to commence work on his subcontract until all similar insurance required of the SUBCONTRACTOR has been so obtained and approved. Approval of the insurance by the OWNER shall not relieve or decrease the liability of the CONTRACTOR hereunder.

Operations under the CONTRACT DOCUMENTS, whether such operations be by himself or by any SUBCONTRACTOR under him, requires insurance to be written with a limit of liability of not less than \$1,000,000 for all damages arising out of bodily injury, including death, at any time resulting therefrom, sustained by any one person in any one accident; and a limit of liability of not less than \$1,000,000 aggregate for any such damages sustained by two or more persons in any one accident. Insurance shall be written with a limit of liability of not less than \$500,000 for all property damage sustained by any one person in any one accident-, and a limit of liability of not less than \$500,000 aggregate for any such damage sustained by two or more persons in any one accident.

The CONTRACTOR shall acquire and maintain, if applicable, Fire and Extended Coverage insurance upon the PROJECT to the full insurable value thereof for the benefit of the OWNER, the CONTRACTOR, and SUBCONTRACTOR as their interest may appear. This provision shall in no way release the CONTRACTOR or CONTRACTOR'S surety from obligations under the CONTRACT DOCUMENTS to fully complete the PROJECT.

The CONTRACTOR shall procure and maintain, at his own expense, during the CONTRACT TIME, in accordance with the provisions of the laws of the State of Maine, Workmen's Compensation Insurance, including occupational disease provisions, for all of his employees at the site of the PROJECT and in case any work is sublet, the CONTRACTOR shall require such SUBCONTRACTOR similarly to provide Workmen's Compensation Insurance, including occupational disease provisions for all of the latter's employees unless such employees are covered by the protection afforded by the CONTRACTOR. In case any class of employees engaged in hazardous work under this contract at the site of the PROJECT is not protected under Workmen's Compensation statute, the CONTRACTOR shall provide, adequate and suitable insurance for the protection of his employees not otherwise protected.

#### Bid Protests

All protests arising from the OWNER'S procurement practices must be submitted to the OWNER as soon as practical. The OWNER will investigate the basis for the protest, seek the advice of legal counsel, document all meetings and actions, and attempt to resolve the protest

promptly and equitably. In the event that the protest is not settled, an appeal may be filed with the Department of Human Services (DHS).

### Claims or Disputes

All claims or disputes between the OWNER and the CONTRACTOR must be settled informally using the DHS as a mediator or formally in a court of law. All resolved disputes and claims must be submitted to the DHS by change order for approval before payment.

Claims, disputes, and other matters in question arising out of or relating to the Contract Documents, or a breach thereof, that were unable to be settled informally through mediation, shall be settled by litigation in a court of competent jurisdiction.

### Posting Documents

The following documents must be posted and maintained by the CONTRACTOR at such place or places on the PROJECT site where employees can easily see them. The posters may be obtained, free of charge, from "Business Answers" 1-800-872-3838.

"Notice to Labor Union or Other Organizations of Workers" (Exhibit 2)

"Equal Employment Opportunity is the Law" poster

"Job Safety and Health Protection" poster

"Fair Labor Standards Act" poster

"Employee Polygraph Protection Act" poster

"Family and Medical Leave Act" poster (applicable to employers of 50 or more employees)

"Notice Relative to the Regulation of Employment" (State Poster)

"Minimum Wage" (State Poster)

"Whistleblowers' Protection Act" (State Poster)

"Sexual Harassment Law" (State Poster)

"Workers Compensation" (State Poster)

"Maine Employment Security Law" (applicable to employers who must pay unemployment tax). Available from the Unemployment Compensation Division of the Maine Dept. of Labor.

### Project Sign

The CONTRACTOR shall provide and erect a PROJECT sign as detailed and specified (sample signs attached). The location of the sign shall be as directed by the ENGINEER. No other CONTRACTOR, SUBCONTRACTOR or material signs will be permitted on the sign. The CONTRACTOR shall maintain and keep the PROJECT sign in good condition until the work is completed when the sign will be removed. All other signs to be erected on the site shall be approved by the ENGINEER. Provide adequate supports for sign as site conditions may require and keep sign a proper distance above prevailing grade to permit public viewing.

\*If project is being co-funded with the U.S. Department of Agriculture, Rural Utilities Services, these provisions are covered by RUS's Supplemental Conditions and can be removed.

## DWSRF MBE/WBE FIRM UTILIZATION INSTRUCTIONS

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Goals for this project are: MBE 1.3% and WBE 3.6%

To demonstrate that you have made good faith efforts to meet the MBE/WBE utilization goals for this project :

Complete and submit **Attachment A**. Identify minority and women's business enterprise firms that you will use to meet the stated goals.

**OR**

Complete and submit **Attachment B**. **Attachment B** must be accompanied by copies of the solicitations you used in your effort to attract MBE/WBE subcontractors. Suggested steps are listed below.

**AND**

Complete and submit an **Attachment C** with every request for payment that includes payment to a firm identified on the previously submitted **Attachment A or B**.

Attachment A or B must be submitted within 10 days of the bid opening or at the time of award, whichever comes first. If, at that time, you do not know your MBE/WBE Utilization percentage, submit Attachment B with copies of the solicitation letters sent to MBE and WBE firms.

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As the contractor for this DWSRF Project you need to observe the following good faith effort steps to achieve the MBE/WBE utilization goals.

1. Place qualified minority and women's business enterprises on solicitation lists for subcontracts;
2. Assure that minority and women's business enterprises are solicited when they are potential sources;
3. Divide project, when economically feasible into smaller tasks or quantities to permit maximum participation by minority and women's business enterprises;
4. Establish delivery schedules, where the requirements permit, to encourage participation by minority and women's business enterprises; and
5. Use the services and assistance of the Small Business Administration , and the Minority Business Development Agency of the Department of Commerce.

***The Maine Department of Transportation maintains a list of certified Minority and Women's business enterprise firms. It is updated quarterly and available on the Internet at***

***[http://www.state.me.us/mdot/humnres/o\\_equalo/cdwbed\\_h.htm](http://www.state.me.us/mdot/humnres/o_equalo/cdwbed_h.htm)***

***If you need a hard copy of the listing please inform the DWSRF Project Manager for this project.***

The Environmental Protection Agency requires projects funded by the DWSRF to demonstrate good faith efforts to utilize Minority and Women business enterprise firms. Each year the state of Maine Drinking Water Program negotiates fair share goals for MBE/WBE utilization for all DWSRF construction projects.

**MBE/WBE  
ATTACHMENT A**

THE MBE/WBE GOAL HAVING BEEN MET, the following information must be submitted:

PUBLIC WATER SYSTEM: \_\_\_\_\_ STATE: \_\_\_\_\_

SRF PROJECT NO.: \_\_\_\_\_ CONTRACT NO.: \_\_\_\_\_

1. Total dollar amount of the contract: \$ \_\_\_\_\_
2. Total dollar amount of the MBE participation: \$ \_\_\_\_\_
3. Percentage of MBE participation: % \_\_\_\_\_
4. Total dollar amount of WBE participation: \$ \_\_\_\_\_
5. Percentage of WBE participation: % \_\_\_\_\_
6. List of MBE/WBE subcontractors (fill out for each of MBE/WBE used):

List of MBE/WBE firms to be used.

Company Name	Contact Person	Phone Number	Type of Work	Amount

This attachment must be signed by an authorized representative of the bidder.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_



**MBE/WBE  
ATTACHMENT B  
(page 1 of 2)**

THE MBE/WBE GOAL NOT HAVING BEEN MET, the following information must be submitted:

PUBLIC WATER SYSTEM: \_\_\_\_\_ STATE: \_\_\_\_\_

SRF PROJECT NO.: \_\_\_\_\_ CONTRACT NO.: \_\_\_\_\_

**A. MBE/WBE Participation:**

1. Total dollar amount of the contract: \$ \_\_\_\_\_
2. Total dollar amount of the MBE participation: \$ \_\_\_\_\_
3. Percentage of MBE participation: % \_\_\_\_\_
4. Total dollar amount of WBE participation: \$ \_\_\_\_\_
5. Percentage of WBE participation: % \_\_\_\_\_

**B. MBE/WBE Solicitation:**

List each minority and women-owned firm (whether or not on the Loanee's Project List) to which a letter of solicitation was sent. It is suggested that correspondence be sent by certified or registered mail since the burden or proof of positive efforts to utilize MBE/WBE firms rests with the bidder.

A copy of each solicitation letter **MUST** be attached.

<b>Minority Owned Firm Contacted</b>	<b>Women Owned Firm Contacted</b>
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
6.	6.
7.	7.
8.	8.
9.	9.
10.	10.

**MBE/WBE  
ATTACHMENT B  
(page 2 of 2)**

C. List all MBE/WBE firms to be used:

<b>Company Name</b>	<b>Contact Person</b>	<b>Phone Number</b>	<b>Type of Work</b>	<b>Amount</b>

D. List all MBE/WBE firms from which a bid or quotation was received which is not listed in Section C above and the reason the firm was not selected:

List of MBE/WBE firms not to be used:

<b>Company Name</b>	<b>Contact Person</b>	<b>Phone Number</b>	<b>Type of Work</b>	<b>Amount</b>

This attachment must be signed by an authorized representative of the bidder.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**ATTACHMENT C**  
**UTILIZATION OF WBE/MBE FIRMS**

THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH REIMBURSEMENT REQUESTS THAT INCLUDE INVOICED AMOUNTS FROM A QUALIFYING WBE OR MBE PARTICIPANT:

PUBLIC WATER SYSTEM: \_\_\_\_\_

SRF PROJECT NO.: \_\_\_\_\_ CONTRACT NO.: \_\_\_\_\_

The accompanying Reimbursement Request includes the following WBE/MBE participation:

WBE/MBE firm to be paid	WBE	MBE	Amount to be paid this request

Payment Request No. \_\_\_\_\_ Period covered by the request \_\_\_\_\_

This attachment must be signed by an authorized representative of the contractor.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

## Notice to Labor Union or Other Organization of Workers

### Nondiscrimination in Employment

To: \_\_\_\_\_  
(Name of Union or organization of workers)

The undersigned currently holds contract(s) with \_\_\_\_\_  
(Name of Applicant)  
involving funds or credit of the U.S. Government of (a) subcontract(s) with a prime  
CONTRACTOR holding such contract(s).

You are advised that under the provisions of the above contract(s) or subcontract(s) and in accordance with Executive Order 11246, dated September 24, 1965, the undersigned is obliged not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin. This obligation not to discriminate in employment includes, but is not limited to the following:

HIRING, PLACEMENT, UPGRADING, TRANSFER, OR DEMOTION

RECRUITMENT, ADVERTISING, OR SOLICITATION FOR

EMPLOYMENT TRAINING DURING EMPLOYMENT, RATES OF

PAY OR OTHER FORMS OF COMPENSATION, SELECTION FOR TRAINING

INCLUDING APPRENTICESHIP, LAYOFF, OR TERMINATION.

This notice is furnished to you pursuant to the provisions of the above contract(s) or subcontract(s) and Executive Order 11246.

COPIES OF THIS NOTICE WILL BE POSTED BY THE UNDERSIGNED IN CONSPICUOUS PLACES  
AVAILABLE TO EMPLOYEES OR APPLICANT FOR EMPLOYMENT.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
/s/ \_\_\_\_\_  
(Contractor or Subcontractor)

\_\_\_\_\_  
(Date)